

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:08-cr-217

v.

HON. JANET T. NEFF

ANTWANE DEVOY WEEKS,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Antwane Devoy Weeks has filed a motion for modification or reduction of sentence (Dkt 45) pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

However, the defendant is ineligible for consideration of modification of sentence because the mandatory minimum sentence of 120 months was imposed on the count involving cocaine base. The retroactive guideline would not result in a lower guideline range.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 45) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

IT IS FURTHER ORDERED that defendant's request for court appointed counsel is also DENIED.

DATED: March 15, 2012

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge